

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LAWHQ, LLC, and THOMAS ALVORD,

Plaintiffs,

v.

SEANA WILLING, in her official capacity as
Chief Disciplinary Counsel of the Texas
Office of Chief Disciplinary Counsel,

Defendant.

Civil Action No. 1:20-cv-00085-RP

**PARTIES' STIPULATION REGARDING MOTION TO HOLD THE PROCEEDINGS
IN ABEYANCE**

WHEREAS, Plaintiffs LawHQ, LLC ("LawHQ") and Thomas Alvord have sued Defendant Seana Willing, only in her official capacity as Chief Disciplinary Counsel of the Texas Office of Chief Disciplinary Counsel;

WHEREAS, Plaintiffs claim that Texas Disciplinary Rule of Professional Conduct 7.01(a), which states "[a] lawyer in private practice shall not practice under a trade name . . . or a firm name containing names other than those of one or more of the lawyers in the firm," violates their First Amendment right of free speech;

WHEREAS, the Committee on Disciplinary Rules and Referenda has initiated the disciplinary rule proposal process under §§ 81.0875-81.08794 of the State Bar Act (Tex. Gov't Code Ann. ch. 81) to amend Part VII of the Texas Disciplinary Rules of Professional Conduct, including to eliminate Rule 7.01(a)'s blanket prohibition on the use of law firm trade names;

WHEREAS, the proposed amendments to Part VII of the Texas Disciplinary Rules of Professional Conduct were published in the March 2020 edition of the *Texas Bar Journal*, in the *Texas Register*, and on the State Bar website;

WHEREAS, the rule-proposal process to amend Part VII of the Texas Disciplinary Rules of Professional Conduct is currently ongoing and subject to the statutory requirements of Tex. Gov't Code Ann. §§ 81.0875-81.08794;

WHEREAS, upon adoption of the proposed amendments to Part VII of the Texas Disciplinary Rules of Professional Conduct pursuant to Tex. Gov't Code Ann. §§ 81.0875-81.08794, the provisions of Rule 7.01(a) that Plaintiffs challenge would be eliminated;

IT IS HEREBY STIPULATED AND AGREED, by Plaintiffs and Defendant, that:

1. The above-captioned matter should be held in abeyance pending the completion of the rule-proposal process under Tex. Gov't Code Ann. §§ 81.0875-81.08794 to amend Part VII of the Texas Disciplinary Rules of Professional Conduct. The parties shall file a joint motion to hold the proceedings in abeyance pending the completion of the rule-proposal process. The joint motion shall provide for the filing of a status report and any recommendations within ten days after completion of the rule-proposal process.
2. The rule-proposal process shall be considered complete upon the earlier of (1) the defeat of the proposed amendments; or (2) approval of the proposed amendments by the Texas Supreme Court in accordance with Tex. Gov't Code Ann. § 81.0879.
3. Pending a final judgment in the above-captioned matter, the Texas Chief Disciplinary Counsel shall not enforce against LawHQ or lawyers who are members of that firm the prohibition against "practic[ing] under a trade name" or "practic[ing] under . . . a firm name containing names other than those of one or more of the lawyers in the firm" under Texas Disciplinary Rule of Professional Conduct 7.01(a).
4. At all times, the Chief Disciplinary Counsel shall retain the authority to enforce against LawHQ and lawyers who are members of that firm all other provisions of the Texas

Disciplinary Rules of Professional Conduct, including the requirement that a “lawyer shall not make or sponsor a false or misleading communication about the qualifications or the services of any lawyer or firm” under Texas Disciplinary Rule of Professional Conduct 7.02(a).

STIPULATED TO AND AGREED BY:

/s/ Gregory A. Beck
Gregory A. Beck
*Counsel for Plaintiffs LawHQ, LLC,
and Thomas Alvord*

/s/ Thomas S. Leatherbury
Thomas S. Leatherbury
Counsel for Defendant Seana Willing

Dated: March 19, 2020

CERTIFICATE OF SERVICE

I certify that on March 19, 2020, I electronically filed the foregoing Parties' Stipulation Regarding Motion to Hold the Proceedings in Abeyance with the Clerk of the Court for the U.S. District Court for the Western District of Texas by using the Court's CM/ECF system, which will send notification of such filing to the following:

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/s/ Thomas S. Leatherbury
Thomas S. Leatherbury
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